

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GILBERTO RODRIGUEZ, on behalf)
of himself, and all other similarly)
situated,)

Plaintiff,)

v.)

HANSON LANDSCAPE & DESIGN,)
A/K/A HANSON LANDSCAPE)
DESIGN & INSTALLATION INC.,)
and DUSTIN HANSON, individually,)

Defendants.)

Case No. 17 C 965

Judge John Robert Blakey

**ORDER GRANTING FINAL APPROVAL OF SETTLEMENT
AND DISMISSING CLAIMS WITH PREJUDICE**

This cause comes before the Court upon Plaintiffs' Agreed Motion for Final Approval of the Parties' Stipulation and Agreement to Settle Class Action Claims. The Court has reviewed the Amended Settlement Agreement and the exhibits attached thereto and finds that the proposed settlement is within the range of fair, reasonable, and adequate resolution of the issues in this proceeding and, therefore,

IT IS ORDERED that:

1. The following class is certified for settlement purposes: All landscape employees of Hanson Landscape & Design a/k/a Hanson Landscape Design & Installation Inc., between January 1, 2011 and August 20, 2018 who experienced a deduction from their pay for uniforms.

2. The Court finds that American Legal Claims Services, LLC, the appointed Administrator, has met all requirements the Court set forth in its

Preliminary Approval Order.

3. The Court finds that the direct-mail notice program used in this case, along with the additional notice measures performed in this matter, satisfies Rule 23(e) of the Federal Rules of Civil Procedure and the Due Process Clause of the United States Constitution.

4. The Court acknowledges that notice of settlement was made pursuant to the Class Action Fairness Act of 2005 (“CAFA”), 28 U.S.C. § 1715.

5. The Court has determined the terms of the settlement to be a fair, reasonable, and adequate resolution of this matter.

6. The Court hereby dismisses this case without prejudice. The dismissal will convert to a dismissal with prejudice on December 19, 2019, or after all administrative processes have been completed, whichever occurs first. All Settlement Class members herein release and discharge Defendant and the other Released Persons identified in the Joint Stipulation and Agreement to Settle Class Action Claims from any and all Illinois Wage Payment and Collection Act claims for unauthorized deductions arising out of the Class Members’ employment during the time period from January 1, 2011 through August 20, 2018. In addition, all individual claims of the named Plaintiffs are likewise dismissed with prejudice.

7. The Court directs payment as follows: Defendant will pay \$85,500 into a Qualified Settlement Fund in settlement to or on behalf of Plaintiff and the Class Members within fourteen (14) days after the Court enters the Final Approval Order as described in the Joint Stipulation and Agreement to Settle Class Action Claims attached as Exhibit 1 to the Final Approval Motion.

8. The Court directs payment to the Named Plaintiff as follows: Three Thousand Dollars (\$3,000) as and for the incentive award and further, for the release of all other claims under the FLSA and IMWL, within ten (10) days after the Settlement Effective Date as described in the Joint Stipulation and Agreement to Settle Class Action Claims attached as Exhibit 1 to the Final Approval Motion.

9. The Court directs payment to Class members as follows: Thirty-Two Thousand, Nine Hundred Forty Dollars and 05/100 Cents (\$32,940.05) within ten (10) days after the Settlement Effective Date to Class Members who have filed timely and valid claims as described in the Joint Stipulation and Agreement to Settle Class Action Claims attached as Exhibit 1 to the Final Approval Motion.

10. The Court directs payment to Class Counsel a total sum of Twenty-Six Thousand, Five Hundred Ninety-Three Dollars and 45/100 Cents (\$26,593.45) for attorneys' fees and costs incurred in the prosecution of the individual and class claims herein. This payment shall occur within ten (10) days after the Settlement Effective Date as described in the Joint Stipulation and Agreement to Settle Class Action Claims attached as Exhibit 1 to the Final Approval Motion.

11. With respect to unclaimed funds pertaining to this settlement ("the Remainder Fund"), the Court orders the following distribution of the remainder funds within three (3) months from the date of issuance, as provided in the Joint Stipulation and Agreement to Settle Class Action Claims attached as Exhibit 1 to the Final Approval Motion:

a. Unclaimed funds in the Remainder Fund in the amount of Eight Thousand, Three Dollars and 90/100 Cents (\$8,003.90) will be used first for claimants

for a up to the remaining 50% of the 2% statutory penalty set forth in IWPCA made to those class members who returned claim forms;

b. Of the remaining Fourteen Thousand, Nine Hundred Sixty-Two Dollars and 60/100 Cents (\$14,962.60), Nine Thousand, Seven Hundred Fifty-One Dollars (\$9,751) will be used to reimburse Defendants for administration costs paid to the Settlement Administrator;


c. Of the remaining Five Thousand Two Hundred Eleven Dollars and 60/100 Cents (\$5,211.60), One Thousand Dollars (\$1,000) will be used to reimburse Defendants for part of the incentive fee paid to the Class Representative;

d. Of the remaining Four Thousand, Two Hundred and Eleven Dollars and 60/100 Cents (\$4,211.60), Two Thousand Dollars (\$2,000) will be used to reimburse Defendants for costs of community meetings administered by FLAP; and

e. Of the remaining Two Thousand, Two Hundred and Eleven Dollars and 60/100 Cents (\$2,211.60), 50% (\$1,105.80) of the Remainder Fund thereafter shall be distributed to the *cy pres* recipient “DeKalb County Community Foundation” and 50% (\$1,105.80) to the *cy pres* recipient “Rochelle Area Community Foundation.”

Dated: December 20, 2018

Entered:



John Robert Blakey
United States District Judge